



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**

P. O. BOX 4368  
BATON ROUGE, LA 70821  
(225) 219-5600  
FAX: (225) 381-7271  
1-800-842-6630  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

April 20, 2010

Ms. Kristie Bardell  
Louisiana Department of Health and Hospitals  
Maternal and Child Health Program  
P.O. Box 60630  
New Orleans, Louisiana 70160

**Re: Ethics Board Docket No. 2010-204**

Dear Ms. Bardell:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether you may accept the position of Sudden Infant Death Syndrome Risk Reduction Coordinator with the Southeast Louisiana Area Health Education Center within two years of your termination as the MCH Health Education Coordinator for the Maternal and Child Health Program with the Louisiana Department of Health and Hospitals, Office of Public Health. You stated that the Maternal and Child Health Program is divided into the following sections: Nurse Family Partnership, Maternity, Child Health, and Epidemiology. You stated that your work as the MCH Health Coordinator falls under the Maternity Section. You further stated that your job duties as MCH Health Education Coordinator include managing the Parenting Newsletter, educating on perinatal substance abuse and other health promotion projects. You stated that you do not educate on sudden infant death syndrome in your position as the MCH Health Education Coordinator.

You also stated that your job appointment with DHH will expire in June 2010. You stated that you are considering accepting a position with the Southeast Louisiana Area Health Education Center in Hammond as the Sudden Infant Death Syndrome Risk Reduction Coordinator. La R.S. 40:2019 established the Louisiana Child Death Review Panels, which reviews unexpected child deaths of children less than 15 years of age, including sudden infant death syndrome, and recommended the implementation of a SIDS prevention effort based on its findings. The Maternal and Child Health Program has contracted with the Southeast Louisiana Area Health Education Center to provide for a Sudden Infant Death Syndrome Risk Reduction Coordinator to help fulfill the child death review obligations pursuant to La R.S. 40:2019. The contract between the Maternal and Child Health Program falls under the Child Health Section. Therefore, in the position as Sudden Infant Death Syndrome Risk Reduction Coordinator, you would not be working with your former section, the Maternity Section.

The Southeast Louisiana Area Health Education Center was activated through a grant written by Louisiana State University Medical Center, which petitioned the federal government for

Ms. Kristie Bardell  
April 20, 2010  
Ethics Board Docket No. 2010-204  
Page 2

funding. The education centers have completed their six year cycles of federal funding and are now supported through cooperative endeavor agreements with the LSU School of Medicine.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you accepting the position as Sudden Infant Death Syndrome Risk Reduction Coordinator with the Southeast Louisiana Area Health Education Center within two years of your termination as the MCH Health Education Coordinator for the Maternal and Child Health Program with the Louisiana Department of Health and Hospitals, Office of Public Health. Section 1121B of the Code prohibits a former public employee, for the two year period subsequent to the termination of his employment with the agency, from rendering, on a contractual basis to or for the agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment. Further, Section 1121B of the Code prohibits a former public servant for the two year period following the termination of his public service from assisting another person for compensation in a transaction, or in an appearance in connection with a transaction, in which the former public servant participated at any time during his public service and involving his former agency. Section 1102(16) of the Code defines "person" as an individual or legal entity other than a governmental entity, or an agency thereof. Based on the information provided, it appears that the Southeast Louisiana Area Health Education Center is a quasi public entity and therefore not a person under the Code of Governmental Ethics. As such, Section 1121B of the Code would not be applicable.

However, the Board concluded, and instructed me to inform you, that in the event the Southeast Louisiana Area Health Education Center is deemed to be a private entity, Section 1121B of the Code still would not prohibit you from accepting the position as Sudden Infant Death Syndrome Risk Reduction Coordinator with the Southeast Louisiana Area Health Education Center within two years of your termination as the MCH Health Education Coordinator for the Maternal and Child Health Program. Based on the information provided, you did not perform any education services involving SIDS in your position as MCH Health Education Coordinator. Further, in the position as Sudden Infant Death Syndrome Risk Reduction Coordinator, you stated that you will not have any contact with your former section, the Maternity Section, where you held the position as MCH Health Education Coordinator. Therefore, since you will not be assisting the Southeast Louisiana Area Health Education Center in a transaction involving your former agency, the Maternity Section of the Maternal and Child Health Program, and in which you participated in during your employment as the MCH Health Education Coordinator, you are not prohibited from accepting the position of Sudden Infant Death Syndrome Risk Reduction Coordinator with

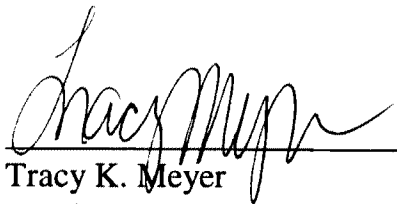
Ms. Kristie Bardell  
April 20, 2010  
Ethics Board Docket No. 2010-204  
Page 3

the Southeast Louisiana Area Health Education Center within two years of your termination of employment with the Maternal and Child Health Program.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**



---

Tracy K. Meyer  
For the Board